

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

ROBERT ALAN WEIGEL,

Plaintiff,

v.

FACEBOOK,

Defendant.

CV-18-17-BU-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this case on March 19, 2018. (Doc. 4.) Judge Lynch granted Plaintiff Robert Alan Weigel's application to proceed in forma pauperis. (Doc. 4 at 1.) Judge Lynch recommended that Weigel's Complaint (Doc. 2) against Defendant Facebook be dismissed without leave to amend. (Doc. 4 at 7-8.)

The United States Code authorizes a party to object to the Court's Findings and Recommendations within fourteen days of being served. 28 U.S.C. § 636(b)(1). Federal Rule of Civil Procedure 6(d) provides a party an additional three days "after the period would otherwise expire" when a party is served by mail. The Court mailed Judge Lynch's Findings and Recommendations to Weigel on March 19, 2018. (Doc. 4.) Weigel's objection period expired on April 5, 2018. Weigel filed his objection to Judge Lynch's Findings and Recommendations on April 6, 2018. (Doc. 5.) Weigel subsequently filed an amended objection to Judge

Lynch's Findings and Recommendations on April 9, 2018. (Doc. 6.) Judge Lynch's Findings and Recommendations inadvertently excluded, however, the notice of Weigel's right to object to Judge Lynch's Findings and Recommendations. *See* (Doc. 4.) Therefore, the Court will treat Weigel's objections as timely filed.

The Court reviews de novo Findings and Recommendations timely objected to. 28 U.S.C. § 636(b)(1). "A party makes a proper objection by identifying the parts of the magistrate's disposition that the party finds objectionable and presenting legal argument and supporting authority, such that the district court is able to identify the issues and the reasons supporting a contrary result." *Montana Shooting Sports Ass'n v. Holder*, 2010 WL 4102940, at *2 (D. Mont. Oct. 18, 2010) (citation omitted).

The Court reviews findings and recommendations not objected to for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge Lynch found that Weigel "perceives that his reputation, character, and social media presence has been harmed by the way in which Facebook has operated its website platform and environment." (Doc. 4 at 6.) Judge Lynch

concluded that Weigel's allegations prove frivolous as his allegations are "fanciful, delusional, or fantastic." (Doc. 4 at 6.) Judge Lynch further concluded that allowing Weigel to file an amended complaint would be futile. (Doc. 4 at 7.) Weigel failed to identify the portions of Judge Lynch's Findings and Recommendations that Weigel found objectionable. *See Montana Shooting sports Ass'n*, 2010 WL 4102940, at *2. Weigel further failed to present a legal argument and supporting authority in his objection. *See Montana Shooting sports Ass'n*, 2010 WL 4102940, at *2. Weigel's objection proves improper. The Court will review Judge Lynch's Finding and Recommendations for clear error. L.R. 72.3(a); *see also McDonnell Douglas Corp.*, 656 F.2d at 1313. The Court finds no error.

Accordingly, **IT IS ORDERED** that Magistrate Judge Lynch's Findings and Recommendations (Doc. 4) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Robert Alan Weigel's Complaint (Doc. 2) is **DISMISSED WITHOUT LEAVE TO AMEND**.

DATED this 20th day of December, 2018.



Brian Morris
United States District Court Judge